

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:16-cv-00321-FDW  
(3:92-cr-00238-FDW-1)**

<b>KAREEM ABDUL TOMLIN,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	


**THIS MATTER** is before the Court on Petitioner’s response to the Court’s April 2, 2020 Order to Show Cause [Doc. 16].

Currently, this action is stayed pending the decision of the Supreme Court in Walker v. United States, No. 19-373. [Doc. 15]. The Supreme Court, however, dismissed the petition for writ of certiorari in Walker because the petitioner in that case died on January 22, 2020. Walker, 140 S. Ct. 953 (2020). As such, the Court ordered the parties to show cause why this matter should not be unstayed in light of the dismissal of the petition for writ of certiorari in Walker. [Doc. 16]. In response, Petitioner shows that this matter should remain in abeyance pending the Supreme Court’s decision in Borden v. United States, No. 19-5410, which Petitioner asserts presents the same issue presented in Walker. The Supreme Court granted the petition for writ of certiorari in Borden on March 2, 2020. [Doc. 17]. For good cause shown,

**IT IS HEREBY ORDERED** that this matter remain in abeyance pending the decision of the Supreme Court in Borden v. United States, No. 19-5410.

**IT IS FURTHER ORDERED** that Petitioner shall file a Supplemental Memorandum on Petitioner's motion to vacate within 45 days of the Supreme Court's decision in Borden v United States, No. 19-5410.

Signed: April 3, 2020

  
Frank D. Whitney  
Chief United States District Judge 